

FWP COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: November 8, 2012

Agenda Item: Proposed boating regulations changes for Harpers Lake, Lake Alva and Lake Marshall

Division: Fish and Wildlife **Action Needed:** Approval of Proposing Administrative Rule amendments

Time Needed on Agenda for this Presentation: 15 minutes

Background: The Department is asking the Commission to propose amendments to boating rules for three lakes in the Clearwater River drainage northeast of Missoula. There are a number of lakes in the drainage that provide a diversity of boating opportunities. Some are highly accessible, surrounded primarily by private land with multiple access points, and are popular for motorized watercraft recreation, e.g. waterskiing. Others are surrounded entirely by public land and are more popular for quieter and slower forms of boating, e.g., nonmotorized or electric motor watercraft use. The Department is proposing amending the rules to preserve or enhance opportunities for slower and quieter forms of boating on Alva Lake, Harpers Lake, and Marshall Lake:

- **Proposal:** No-wake rule for Alva Lake. The lake is currently subject to a rule that requires watercraft pulling water skiers to travel in a counterclockwise direction (ARM 12.11.3901). Alva has no private in-holdings with docks and boats, but it does have a public boat ramp. Current boating use is a mix of motorized and nonmotorized watercraft. People have expressed concern that motorboat use is increasing on this lake and degrading the recreation experience for those seeking a quieter, slower-paced experience. There is also a concern about potential impacts on nesting loons. A no-wake rule would help to address these concerns.
- **Proposal:** Allow use of electric motors Harpers Lake. The lake is currently closed to any motor-propelled watercraft (ARM 12.11.3940). This change would maintain the quiet, low-speed nature of boating use on the lake but make it easier for anglers to gain access to trout throughout the lake.
- **Proposal:** Restrict boating to nonmotorized or electric motor use on Marshall Lake (new rule). The lake is within the newly established Marshall Creek Wildlife Management Area. This rule is consistent with the management objectives for the WMA and current use of the lake.

Public Involvement Process & Results: If approved, the Department would initiate administrative rulemaking, which would include a public comment period and at least one public hearing.

Alternatives and Analysis: The Department anticipates that a no-wake rule for Alva Lake would initially result in a large increase in reported violations due to the nature of a no wake regulation. Because of sensitivity to the loon issue, the Department anticipates that people will report boats slightly exceeding or complying with a no-wake rule and expect a response from enforcement staff. Implementation of these rule amendments, particularly a no-wake rule for Alva Lake, may require funding for a water safety officer to respond and investigate reported violations. Retaining the current boating rules for Alva Lake could lead to more public complaints about faster-moving and noisier motorized watercraft. Not allowing electric motors on Harpers Lake would fail to meet the interests of the public seeking a more efficient but quiet means of accessing the lake. The lack of watercraft restrictions for Marshall Lake would conflict with the management objectives for the WMA.

Agency Recommendation & Rationale: The Department recommends that the Commission propose the ARM amendments and new rule and solicit the public's input.

Proposed Motion: I move that the Commission propose administrative rule amendments for Alva Lake and Harpers Lake, and new rules for Marshall Lake.